



**U.S. Department of Justice**

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**BY CM/ECF**

The Hon. Ellen L. Hollander  
U.S. District Court Judge  
U.S. Courthouse  
101 W. Lombard Street  
Baltimore, Maryland 21201

Re: *United States v. Jacky McComber*  
Crim. No. ELH-21-036  
Next Week's Motion Hearing

Dear Judge Hollander:

I am writing with regard to the upcoming motions hearings in this case at the beginning of next week. We had previously advised the Court and opposing counsel that we intended to call as our sole witness Ms. Kelly Sulewski, who is the Office Chief overseeing contracting for the Director of Operations, Engagement & Policy, and NSOC. We had indicated that we intended to have Ms. Sulewski testify about her role in assembling the Ironbridge contract file for production to the defense, as well as general contract record-keeping requirements and practices at the NSA, and that we thought her testimony on direct examination might take perhaps half an hour.

As a result of our recent witness preparation session with Ms. Sulewski, however, it is clear that it will take longer than we previously realized to outline the full range of her responsibilities and her previous positions and experience over the course of her 35 years with the NSA. In addition, we have learned that Ms. Sulewski effectively acted as the Agency's point person in conducting a review of NSA's Ironbridge contract files in response to the defense's claim (advanced in its ECF # 60, filed on February 28, 2022) that the government had committed a *Brady* violation by not previously producing the questioned Guinther letter.

In addition, because Ms. Sulewski is a highly experienced NSA contracting official with an unlimited warrant and 35 years of experience with the Agency, we also believe it would be appropriate and efficient for her during her testimony next week to respond to the assertions about the purported Guinther letter that were advanced by Mr. Charles Stein in his Opinion # 36 and at the recent motion hearing, specifically his claims that the purported Guinther letter "is typical of direction from a CO to a company under the Changes Clause of the contract. It looks like thousands of

The Hon. Ellen L. Hollander

August 26, 2022

Page Two

other Contracting Officer letters that I have seen over 34 years. The substance of this letter is wholly consistent with the Changes Clause.”

We wanted to advise the Court and opposing counsel that this additional testimony, along with the full outline of Ms. Sulewski’s experience at the NSA, will likely mean that her testimony on direct and cross will be longer than we originally expected, although she will still not be a particularly lengthy witness. And since we are now planning to start on Monday morning and potentially make use of Tuesday’s time for any runover if necessary, her additional testimony on these matters should not cause any disruption to our existing planned schedule for next week’s hearing.

Very Truly Yours,

/s/

Jefferson M. Gray

cc: Clarke Ahlers, Esq. (by CM/ECF)